

Assembly Bill No. 1938

Passed the Assembly May 30, 2006

Chief Clerk of the Assembly

Passed the Senate August 28, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 379 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1938, Bogh. State highways: relinquishment.

Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law authorizes the commission to relinquish certain state highway segments to local agencies.

This bill would authorize the commission to relinquish any portions of State Highway Route 79 in the City of San Jacinto to that city under certain conditions.

The people of the State of California do enact as follows:

SECTION 1. Section 379 of the Streets and Highways Code is amended to read:

379. (a) Route 79 is from:

- (1) Route 8 near Descanso to Route 78 near Julian.
- (2) Route 78 near Santa Ysabel to the Temecula city limits east of Butterfield Stage Road.
- (3) Temecula city limits south of Murrieta Hot Springs Road to Route 74 near Hemet.
- (4) Route 74 near Hemet to Route 10 near Beaumont.

(b) (1) Notwithstanding subdivision (a), the commission may relinquish to the City of Temecula the portion of Route 79 located within Temecula's city limits, upon terms and conditions the commission finds to be in the best interest of the state.

(2) Any relinquishment agreement shall require that the City of Temecula administer the operation and maintenance of the highways in a manner consistent with professional traffic engineering standards.

(3) Any relinquishment agreement shall require the City of Temecula to ensure that appropriate traffic studies or analysis will be performed to substantiate any decisions affecting the highways.

(4) Any relinquishment agreement shall also require the City of Temecula to provide for public notice and the consideration of public input on the proximate effects of any proposed decision on traffic flow, residences, or businesses, other than a decision on routine maintenance.

(5) Notwithstanding any of its other terms, any relinquishment agreement shall require the City of Temecula to indemnify and hold the department harmless from any liability for any claims made or damages suffered by any person, including a public entity, as a result of any decision made or damages suffered by any person, including a public entity, as a result of any decision made or action taken by the City of Temecula, its officers, employees, contractors, or agent, with respect to the design, maintenance, construction, or operation of that portion of Route 79 that is to be relinquished to the city.

(6) Any relinquishment shall become effective immediately after the county recorder records the relinquishment resolution that contains the commission's approval of the terms and conditions of the relinquishment.

(7) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 79 relinquished shall cease to be a state highway.

(B) The portion of Route 79 relinquished may not be considered for future adoption under Section 81.

(8) The City of Temecula shall ensure the continuity of traffic flow on the relinquished portion of Route 79, including any traffic signal progression.

(9) For relinquished portions of Route 79, the City of Temecula shall maintain signs directing motorists to the continuation of Route 79.

(c) (1) Notwithstanding subdivision (a), the commission may relinquish to the City of San Jacinto any portion of Route 79 that is located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the

state, if the department and the city enter into an agreement providing for that relinquishment.

(2) A relinquishment under this subdivision shall become effective immediately following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, the relinquished portion of Route 79 shall cease to be a state highway.

(4) The portion of Route 79 relinquished under this subdivision shall be ineligible for future adoption under Section 81.

(5) For the portion of Route 79 that is relinquished under this subdivision, the City of San Jacinto shall maintain within its jurisdiction signs directing motorists to the continuation of Route 79.

Approved _____, 2006

Governor